



## ESSEX PLANNING COMMISSION

**Regular Meeting  
March 21, 2013  
RiverCOG Office Meeting Room  
145 Dennison Road, Centerbrook**

### MINUTES

#### **1. Call to Order and Seating of members:**

Chairman Tom Danyliw called the meeting to order at 7:32 p.m. In attendance were Commissioners Linda Herman, Carla Feroni, and Alan Kerr. Seated for Ralph Monaco was Alternate Claire Tiernan. Also in attendance was Alternate Bob Laundry, Essex resident Rob Shickel, and Town Planner John Guskowski. Commissioner Ralph Monaco arrived at 8:45 p.m.

**Motion to consider New Business first** by Linda Herman, **seconded** by Claire Tiernan. **Motion carried unanimously.**

#### **3. New Business**

##### **a. Zoning Referral – Proposed Amendment to Section 80 (Commercial District)**

John Guskowski summarized the Zoning Referral that had been forwarded to the Planning Commission. An applicant was seeking to open an Art Studio in the Commercial District of Centerbrook and that category of use was not currently included in the Regulations. From a public health and safety standpoint, traffic impact, etc., John Guskowski argued that it was essentially similar to many other permissible uses in that District. He further suggested that perhaps a clause could be written into the Zoning Regulations to empower the ZEO to allow “similar uses” to listed uses even if the specifics of the proposed use was not explicitly included on the list.

Chairman Danyliw questioned whether the Planning Commissioners agreed that this proposed amendment was appropriate and acceptable, and determined that there was consensus on the Commission that it supported the amendment and expressed no particular concerns about the proposed use category.

##### **b. Correspondence 3/12/13 from Rob Shickel re: Proposed Amendments to Easements**

Chairman Danyliw introduced the agenda item, which he placed on the agenda after Mr. Shickel attended the February 21, 2013 Commission meeting and asked that the Commission consider modifying the recently-approved conservation easements for the Sciamie subdivision on Foxboro Road. At that meeting, Chairman Danyliw had requested that Mr. Shickel place his specific request in writing and he would consider adding it to the March 2013 agenda. Chairman Danyliw noted that it was the Chairman’s prerogative to

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include items of discussion and consideration on the Commission agenda and raised the question to the Commission on whether the request contained within Mr. Shickel's correspondence should be entertained by the Commission. Chairman Danyliw stated that given that the Foxboro settlement had been recently resolved to the satisfaction of the Commission, he was not inclined to re-open the issue. Alan Kerr questioned the merits of the request. Linda Herman and Claire Tiernan agreed that there was little value in re-opening this issue.

Chairman Danyliw thanked Mr. Shickel for his letter but stated that the Commission had reached consensus on not entertaining the request within his correspondence of March 12.

### **2. Approval of Minutes:** February 21, 2013

Chairman Danyliw noted that in the Planner's Report portion of the February minutes, he had requested that Rob Shickel prepare a "written" request and presentation to the Commission, and the minutes should reflect that detail. There were no other corrections.

**Motion to approve Minutes of February 21, 2013 as amended** by Claire Tiernan, **seconded** by Alan Kerr. **Motion carried unanimously.**

### **4. Old Business**

#### **a. Natural Hazards Mitigation Plan**

John Guskowski requested that Commissioners continue to read through the first draft of the Plan prepared by Jeremy DeCarli of RiverCOG and forward any comments to him. Carla Feroni volunteered to help with the draft review and overall process.

#### **b. PoCD Updates- Overview of Goals**

The Commission discussed the "Implementation Tasks" that were detailed at the end of the 2005 Essex Plan of Conservation & Development (PoCD) and addressed the first 22 items that were tasked to the Planning Commission as primary implementing agency. Linda Herman and John Guskowski noted that these tasks were not directly linked to the substance of the PoCD overall, but instead were additional items developed in an earlier process that was then appended to the Plan. It was noted that the strict applicability of many of the tasks was a challenge because each task contained multiple and often vague goals. [Text of the tasks can be found starting on page 85 of the PoCD.] General discussion on each task was as follows:

- 1) Still a relevant goal to increase the amount of conservation land within subdivisions; View protection and context should be incorporated into subdivision regulations
- 2) Still relevant; landscaping standards in zoning regulations should be reviewed
- 3) Soil-based zoning considerations are still relevant, but moratorium is not supported by Commission;
- 4) Task completed by Architectural Design Review Subcommittee
- 5) Task complete; Subdivision regulations include language on street naming criteria
- 6) Still important; Ridgelines could be added to list of important conservation resources

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- 7) Task complete; Energy Sustainability supplement added to PoCD in 2009
- 8) Still important; subdivision regulation language could be strengthened relative to scenic resources
- 9) Still important to encourage natural feature and open space conservation
- 10) Not relevant; task of assessing entirety of effect of development on the community and the natural landscape is too broad and difficult a task
- 11) Not relevant; Commission does not have authority to regulate residential design through subdivision process
- 12) Not relevant; if land meets minimum lot size and width to be subdivided, it may be subdivided
- 15) \*Note: break in numbering follows from original error in PoCD\* Still important; issue of extending cul-de-sacs remains a concern
- 16) Not relevant; definition of temporary dead-end is not needed
- 17) Not relevant; Commission agrees that existing road standards are adequate
- 18) Not relevant; goal is vague and addresses an concern that is not present
- 19) In process; Transportation Study and Safe Routes to School both address and encourage pedestrian connectivity
- 20) Task complete; subdivision regulations provide for sidewalk construction requirement
- 21) Not relevant; regulatory language should allow Commission flexibility on its sidewalk/pedestrian path requirements
- 22) Task complete; workforce housing study completed in 2010.

Linda Herman suggested adding a task that would provide the Commission and applicants with a subdivision “checklist” for application review. A general discussion was held about next steps and the process of updating the PoCD. It was agreed that at each meeting, the Commission would review a portion of the existing Plan. In April, the Commission will review the eight key Goals and Objectives of the Plan described on pages 12-15 of the 2005 PoCD.

### **c. Subdivision Regulations – Conservation Land Provisions**

John Guskowski reviewed the sample regulations from Woodbury that present a framework for decision on whether conservation land should be fee-simple Town land, land-trust holdings, or an easement held by a homeowners’ association. Ralph Monaco agreed that recent developments demonstrated that Essex’s lack of framework or hierarchy for preferring one conservation method over another was problematic. Further, he argued that the fee-in-lieu option should be given more rigid application guidelines. John Guskowski suggested that the fee-in-lieu option could be made to track the waiver provisions of Section 3.5.1 of the Subdivision Regulations to increase the standard and scrutiny for that choice. Chairman Danyliw stated that the majority of the Open Space provisions of the subdivision regulations are appropriate, but should be given more of a defined hierarchy, with Town-owned fee-simple open space as the top priority, land trust fee-simple land second, and easements held by either a nonprofit or a homeowners’ association third. He requested that John Guskowski prepare some draft language to that effect. Bob Laundry suggested that the second portion of Section 5.8.1 regarding land dedication be eliminated, and the Commission concurred.

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### **d. Open Space Acquisition Sinking Fund**

Chairman Danyliw noted that the Essex Land Trust had submitted a letter with their priorities for land acquisition, and stated that the Commission would await further input from other Boards and Commissions.

### **e. Ivoryton and STEAP Grant Updates**

John Guskowski stated that the nomination for the National Register had been submitted for Ivoryton and the Town was awaiting word on this. A decision on the Main Street Investment Fund grant would likely be announced in April. The STEAP grant design contract had been awarded to Lenard Engineering, and a kick-off meeting would be held next week.

## **5. Report of Committees and Officers**

### **a. Report from TOPPS (Traffic Calming) Subcommittee**

Claire Tiernan reported that the TOPPS subcommittee met earlier that day. While recommended improvements to Grove Street were on hold pending the end of the budget season, the Subcommittee moved on to begin discussion of Mares Hill Road. She stated that it was important to the Subcommittee to identify specific concerns and develop measurable solutions to the specific concerns. On Mares Hill and Walnut Streets, high travel speeds combined with narrow roadways and poor sight lines created a hazard. The Subcommittee had initially decided to recommend installation of a three-way stop at the corner of Mares Hill and Old Dobbin Lane, but a subsequent email from Susan VanBenschoten, PE, who had not been able to attend the meeting, had questioned the wisdom of that approach. She had instead suggested speed humps along Mares Hill. The Subcommittee will review her suggestions next month. Claire Tiernan also discussed the other areas identified in the Transportation Study as priorities for traffic calming and stated that most of them involved state roadways, which presented implementation challenges. The Commission discussed the status of the Selectmen's request to convert Route 621 (along Route 9 and L.C. Doane property) to a one-way road. Chairman Danyliw stated that this was not the recommendation of the Transportation Study and requested that the Selectmen explain their decision to diverge from that recommendation for this modified approach.

### **b. Report from Inland Wetlands Representative**

Claire Tiernan reported that she had been unable to attend the previous Wetlands meeting. Carla Feroni asked about clearing taking place across from Scott's on Route 153 (Plains Road) and whether that was a Wetlands issue. Claire Tiernan will check with Wetlands Officer Joe Budrow on this.

### **c. Report from RiverCOG Representative**

Alan Kerr stated that there was no report from RiverCOG, which is still seeking to establish a schedule of meetings for the new, larger Regional Planning Commission.

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### d. Report from Economic Development Commission Representative

Bob Laundry reported that EDC met with representatives of CL&P in the aftermath of numerous power outages over the last two years, and stated that they are attempting to improve their smaller distribution facilities. Carla Feroni stated that other utility providers, such as telecommunications and data companies, should also be approached to upgrade their facilities.

### e. Chairman's Report

Chairman Danyliw reiterated his thought process in placing the correspondence from Rob Shickel on the agenda for the benefit of Ralph Monaco, who had arrived after that item. He had no other report.

### f. Planner's Report

John Guskowski reported that he would serve as Essex's representative to the RiverCOG Regional Performance Incentive Grant project, which involves GIS system upgrades and economic development planning. He also noted that the COG had approved the creation of a Regional Agriculture Council, and that CME Associates had recently hired Annie Kline, a law-school graduate with interest in land use issues. He hoped to incorporate her into some of the Essex Planning Commission's initiatives. Finally, he discussed conversation with Town Clerk Fran Nolin, who requested the Commission's support in consolidating Commission minutes and archives into a single, permanent bound series of volumes in the vault. The Commission was generally amenable to this initiative. He had no further report.

## 6. Correspondence and Invoices

Chairman Danyliw reviewed the correspondence, which included invoices from Dzialo, Pickett, and Allen and CME Associates.

**Motion to pay invoices** by Claire Tiernan, **seconded** by Linda Herman. **Motion carried unanimously.**

## 7. Adjournment

**Motion to adjourn** by Linda Herman, **Seconded** by Claire Tiernan. **Motion carried unanimously.** Meeting adjourned at 9:48 p.m.

Respectfully submitted,

John Guskowski  
Consulting Town Planner